



# Capacity Building Workshop on Genetic Resource Policies for CGIAR Scientists and Partners in East Africa

*4 - 7 June 2019,  
ILRI Campus, Addis Ababa, Ethiopia.*



Alliance



Organized by the CGIAR Genebank Platform,  
in coordination with ILRI

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To be cited as:

CGIAR Genebank Platform. 2019. Capacity Building Workshop on Genetic Resource Policies for CGIAR Scientists and Partners in East Africa, 4 - 7 June 2019, ILRI Campus, Addis Ababa, Ethiopia. Bioversity International, Rome.

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Cover photo: Workshop coffee break.

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Photo following pages: Workshop participants, ILRI Campus.

Credit: Apollo Habtamu (ILRI) and Michael Halewood (Alliance of Bioversity and CIAT).

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Design and Layout: Luca Pierotti

ISBN: 978-92-9255-145-2



## Report on the ‘Capacity building workshop on genetic resource policies for CGIAR scientists and partners in East Africa’, 4 - 7 June 2019, ILRI Campus, Addis Ababa, Ethiopia

The CGIAR Genebank Platform Policy Module, in coordination with the International Livestock Research Institute (ILRI), organized the ‘Capacity building workshop on genetic resource policies for CGIAR scientists and partners in East Africa’. The workshop was held from 4 - 7 June 2019, at the ILRI campus in Addis Ababa, Ethiopia.

This event brought together 30 staff members from 6 CGIAR Centres and 10 participants from national agricultural research organizations in Democratic Republic of the Congo, Ethiopia, Kenya, Uganda and Zimbabwe. CGIAR participants included Genebank managers and technical staff, plant breeders, information technology specialists, genetic resource policy specialists and intellectual property managers. Some of the participants from national agricultural research organizations were also the National Focal Points for the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA, or Plant Treaty) and the Convention on Biological Diversity/Nagoya Protocol. In addition, representatives of the Plant Treaty’s Secretariat and

the ABS Capacity Building Initiative participated as resource persons.

### Objectives

The workshop was designed to increase participants’ understanding of the CGIAR Centres’ and national research organizations’ obligations vis-à-vis international treaties and conventions dealing with access and benefit-sharing, and how these international instruments influence the day-to-day management of the collections. Given the direct relevance of the ITPGRFA to these activities, the workshop also focused on increasing participants’ knowledge of the multilateral system of the ITPGRFA and their self-confidence in using the Standard Material Transfer Agreement (SMTA) for the acquisition and transfer of plant genetic resources. As a consequence, also increasing participants’ awareness of the Nagoya Protocol and how it affects their management of plant genetic resources, was one of the main workshop goals. Another related objective, was to enhance participants’

capacities to make decisions about what protocols and transfer agreements can or must be applied for acquiring or transferring genetic resources outside the multilateral system of the ITPGRFA, boosting their familiarity with resource people and material, which can help them deal with policy and legal issues when managing genetic resources.

### Setting the scene

The first session of the workshop was dedicated to building-up participants' common understanding of a range of 'baseline' issues, including the rationale for the development of the ITPGRFA and Nagoya Protocol, and their current state of implementation. This session also provided an overview, in very general terms, of how the ITPGRFA and Nagoya Protocol apply to the work of national agricultural research organizations and CGIAR Centres as they conserve crop, forage and tree genetic resources, and engage in plant breeding and other forms of agricultural research and development. There were presentations by the Secretariat of the ITPGRFA, the ABS Capacity Building Initiative, the Kenyan Plant Treaty National Focal Point, and ILRI legal officers.

### Implications for daily operations

The second and third sessions of the workshop focused in more detail on how the ITPGRFA, Nagoya Protocol and related national laws can support or create challenges for the daily operations of genebanks, plant breeders, and researchers in CGIAR Centres and national agricultural research programmes. Both sessions started with presentations by genebank managers, plant breeders and/or research managers, regarding their practices acquiring, managing, and transferring plant germplasm. In addition, legal experts made presentations focusing on the interplay of ABS laws and the CGIAR Principles on the Management of Intellectual Assets (CGIAR Intellectual Assets Principles), and the implications of both the laws and CGIAR Principles for the development and release of new cultivars by CGIAR Centres.

All these presentations were followed by lively question and answer sessions in which participants compared experiences, raised more questions, and worked toward common understandings of outstanding issues. The participants were then divided into small groups to work through pre-





scripted scenarios. The scenarios were designed to 'tease out' practical ways to address uncertainties about how the ITPGRFA, and the national laws that implement the Convention on Biological Diversity (CBD) and the Nagoya Protocol, could apply to genebanks, breeders, and farmers when they access, use or transfer plant genetic resources for food and agriculture. Some of the scenarios made participants think about the rights and obligations of CGIAR Centres, derived from the CGIAR Intellectual Assets Principles. The participants compared and discussed the results of their small group analysis results. Expert resource persons provided guidance where the small groups raised unanswered questions.



*The presentations and the practical exercises addressed most of my questions and demystified a lot of misconceptions about the multilateral system of the Plant Treaty and the Nagoya Protocol.*

Mosisa Worku Regasa, Maize Seed System Specialist, International Maize and Wheat Improvement Center (CIMMYT).



*Before coming to this workshop we knew about the Standard Material Transfer Agreement and other Material Transfer Agreements only. Now we have gained in depth knowledge about access and benefit sharing in general, the Plant Treaty, the Nagoya Protocol and what regime to apply when using genetic resources in our regular work.*

NVPR Ganga Rao, Principal Scientist, Pigeonpea and Chickpea breeding, International Crops Research Institute for the Semi-Arid Tropics (ICRISAT).

The small groups' answers to some of the practical exercises will be used to develop additional 'scenarios' to be included in future editions of *Mutually supportive implementation of the Nagoya Protocol and the Plant Treaty: Scenarios for consideration by national focal points and other interested stakeholders* that has been developed by Bioversity International, the ABS Capacity Development Initiative and the Secretariats of the ITPGRFA and the CBD.



*As a national focal point for the ITPGRFA I found the content of the workshop very helpful to improve implementation and procedures back in my country. This is really critical for making international conventions work.*



Desterio Ondieki Nyamongo, Senior Principal Research Officer and Director - Genetic Resources Research Institute, Kenya Agricultural and Livestock Research Organization (KALRO).



## Dealing with information

The fourth session of the workshop was dedicated to the management of information associated with genetic resources. Questions regarding the acquisition, management and sharing of traditional knowledge related to genetic resources were addressed in a general presentation, followed by questions and discussion. A panel of experts presented the emerging questions around access and benefit-sharing in relation to digital sequence information. Brief presentations by panel members were followed by discussions in plenary, where participants could share their own experiences and concerns in relation to this topic.

Finally, the resource persons presented a series of resources and tools that could assist participants when dealing with legal and policy issues related to genetic resources. These resources included model policies and standard procedures that can be integrated in genebanks' quality management systems, as well as a Helpdesk email address where anyone from CGIAR can send queries and questions on genetic resource policies ([grpolicy-helpdesk@groups.cgiar.org](mailto:grpolicy-helpdesk@groups.cgiar.org)).

The workshop agenda, list of participants, scenarios addressed by small groups, and resource materials shared during the workshop are included in annexes to this report. There are links in the agenda to all of the powerpoint presentations that were made during the course of the workshop.

This is one of a series of workshops organized by the CGIAR Genebank Platform Policy Module for scientists and research managers from CGIAR Centres and national agricultural research and development organizations.



## ANNEX 1 - Agenda

### Capacity building workshop on genetic resource policies for CGIAR scientists and partners in East Africa, 4 - 7 June 2019, ILRI Campus, Addis Ababa, Ethiopia.

#### DAY 1: Tuesday, 4th June 2019

8.00	Registration
<b>Opening</b>	
9.00	Bekele Abeyo (CIMMYT Country Representative): Welcome and opening All: Participants' introductions and expectations Isabel López Noriega and Tsehay Gashaw: Objectives of the workshop. Program overview, adoption
9.40	Aliou Sartie: <a href="#">CGIAR Genebank Platform and its modules</a> Michael Halewood: Introduction to the Genebank Platform <a href="#">Policy Module</a>
10.00	Coffee break
<b>General introduction to international policies affecting centres' use of genetic resources, and national experiences in implementing these policies</b>	
10.30	Daniele Manzella: <a href="#">The International Treaty on Plant Genetic Resources and its Multilateral System</a>
11.20	Hartmut Meyer: <a href="#">The Nagoya Protocol on ABS</a>
12.10	Michael Halewood: <a href="#">Mutually supportive implementation of the Plant Treaty and the Convention on Biological Diversity and the Nagoya Protocol</a>
13.00	Lunch
14.30	A close look at the SMTA <i>World Café with three tables.</i> <i>Table 1: Isabel López Noriega- Provider's obligations</i> <i>Table 2: Michael Halewood- Recipient's obligations</i> <i>Table 3: Daniele Manzella- All the rest and general questions</i>
15.15	Quiz on genetic resource policies
15.30	Coffee break
16.00	Implementing the ITPGRFA at national level and national experiences in ABS agreements. <i>Poster session:</i> Desterio Ondieki Nyamongo: <a href="#">Implementation of the International Treaty in Kenya</a> Onismus Chipfunde: <a href="#">Implementation of the International Treaty on Plant Genetic Resources for Food and Agriculture in Zimbabwe</a> Timothy Kakembo: Implementation of the International Treaty in Uganda.
16.50	Participants' questions on ABS <i>Individual exercise with cards</i>
17.15	Closure of the day

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## Day 2: Wednesday, 5th June 2019

Acquiring genetic resources and information in compliance with international and national laws (and deciding what to do when there are no laws)	
9.00	Introductory presentations: Muthoni Mucheru: Challenges faced by ILRI: <a href="#">ABS contracts and germplasm distribution</a> Eric Manyasa, NVPR Ganga Rao, Asnake Fikre and Henry Ojulong: <a href="#">Germplasm acquisition of ICRISAT Crops: Experiences</a> Rodrigo Sara: <a href="#">How users (genebanks and breeders) acquire material and challenges they face</a>
10.00	Small groups work through scenarios regarding the application of ABS laws to acquiring genetic materials.
10.30	Coffee break
11.00	Continuation of small groups' work
12.00	Feedback from small groups and discussions in plenary
13.00	Lunch
Using and transferring genetic resources in compliance with applicable laws	
14.00	Introductory presentation: Alice Muchugi: <a href="#">Policy issues related to tree germplasm exchange</a>
14.30	ILRI genebank visit
15.45	Quiz on genetic resource policies
16.00	Introductory presentation: Bekele Abeyo, Ayele Badebo, Mosisa Worku Regasa and Dagne Wegary: <a href="#">Germplasm transfer from CIMMYT to partners</a>
17.00	Closure of the day

## Day 3: Thursday, 6th June 2019

9.00	Small groups work through scenarios regarding the application of ABS laws to transferring germplasm.
10.30	Coffee break
11.00	Feedback from small groups, and discussion in plenary
13.00	Lunch
14.00	Presentations: Rodrigo Sara: <a href="#">CGIAR Intellectual Assets Management Policies and Practices</a> . Isabel López Noriega: <a href="#">Passing on benefit sharing obligations in PGRFA UD and products</a> .
15.00	Small groups work through scenarios related to transferring breeding lines, and products derived from research and breeding.
Evening	Group cocktail




**Day 4: Friday, 7th June 2019**

9.00	Feedback from small groups, and discussion in plenary
10.30	Coffee break
<b>Dealing with information</b>	
11.00	Rodrigo Sara: <a href="#">Acquiring and managing traditional knowledge. Obligations derived from national and international laws, and practices within CGIAR.</a> Discussion in plenary: Experiences in the room
11.30	Quiz on genetic resource policies
11.50	Panel session: Emerging issues in relation to digital sequence information. Isabel López Noriega: What is digital sequence information and how it is used in agriculture. Desterio Ondieki Nyamongo: Introduction to the issue and current state of discussions. Daniele Manzella: Status of discussions within the ITPGRFA Michael Halewood: Concerns and actions within CGIAR.
13.00	Lunch
14.30	Janny Van Beem: <a href="#">Quality Management Systems for Genebanks</a>
15.15	Workshop evaluation and closure

## ANNEX 2 - List of participants

**Capacity building workshop on genetic resource policies for CGIAR scientists and partners in East Africa, 4 - 7 June 2019, ILRI Campus, Addis Ababa, Ethiopia.**

Name	Position	Institution	Based in	Email
Bekele Abeyo	Wheat breeder and country representative	CIMMYT	Addis Ababa	b.abeyo@cgiar.org
Ayele Badebo	Wheat breeder and pathologist	CIMMYT	Addis Ababa	a.badebo@cgiar.org
Mosisa Worku Regasa	Maize seed system specialist	CIMMYT	Nairobi	m.regasa@cgiar.org
Dagne Wegary	Maize breeder	CIMMYT	Addis Ababa	d.wegary@cgiar.org
Alieu Sartie	Genebank manager	ILRI	Addis Ababa	a.sartie@cgiar.org
Asebe Abdena	Genebank seed production officer	ILRI	Addis Ababa	a.abdena@cgiar.org
Lei Sun	Germplasm health scientist	ILRI	Addis Ababa	l.sun@cgiar.org
Yeshi Wolde Mariam	Genbank staff	ILRI	Addis Ababa	y.woldemariam@cgiar.org
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Hirut Getinet	Potato breeder -Research Associate	CIP-SSA	Addis Ababa	h.getinet@cgiar.org
Alice Muchugi	Genebank manager	ICRAF	Nairobi	a.muchugi@cgiar.org
Francis Mahia	Legal manager	ICRAF	Nairobi	f.mahia@cgiar.org
Zakayo Kinyanjui	Seed lab phisiologist	ICRAF	Nairobi	z.kinyanjui@cgiar.org
Prasad Hendre	Lab manager	ICRAF	Nairobi	p.hendre@cgiar.org
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Mthulisi, Maya	Research technitian	ICRISAT-ZW	Harare	m.mthulisi@cgiar.org



Name	Position	Institution	Based in	Email
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Asnake Fikre	Chickpea regional breeder	ICRISAT-Nairobi	Addis Ababa	a.fikre@cgiar.org
Henry Ojulong	Finger millet breeder	ICRISAT-Nairobi	Nairobi	h.ojulong@cgiar.org
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Michael Halewood	Head Policy Group; Coordinator of Policy Module of CGIAR Genebank Platform	Bioversity International	Rome	m.halewood@cgiar.org
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Name	Position	Institution	Based in	Email
Michael Meso	Seed Centre	Kenya Forestry Research Institute	Nairobi	mmeso@kefri.org
Desterio Ondieki Nyamongo	National focal point for the ITPGRFA. Senior Principal Research Officer and Director - Genetic Resources Research Institute.	KALRO	Nairobi	dnyamongo@yahoo.co.uk
Onismus Chipfunde	Genebank research officer	Genetic Resources and Biotechnology Institute	Harare	ochipfunde@gmail.com
Joseph Adheka	Professor and researcher	University of Kisangani	Kisangani, DRC	jadheka@yahoo.fr
Daniele Manzella	Officer	Secretariat of the International Treaty on Plant Genetic Resources for Food and Agriculture. FAO.	Rome	daniele.manzella@fao.org



## ANNEX 3 - Practical exercises

### Capacity building workshop on genetic resource policies for CGIAR scientists and partners in East Africa, 4 - 7 June 2019, ILRI Campus, Addis Ababa, Ethiopia.

#### Acquiring plant genetic resources

##### **SCENARIO 1: Uncertain legal framework**

You are the head of a national crop genebank. You have received a request from a researcher in a neighbouring country for samples of some common beans from your collection. Your country acceded to the CBD in 1998 and ratified the ITPGRFA in 2003 and the Nagoya Protocol in 2013. There is a national access and benefit-sharing law from 2010 that says all access to any genetic resources in the country must be subject to the prior informed consent of the competent authority, appointed by the minister of the environment, and must include a number of mandatory benefit-sharing terms that are not consistent with the SMTA.

1. How do you respond to the request for common bean accessions?
2. What procedures must be applied?

##### **SCENARIO 2: Acquiring PGRFA found in *in situ* conditions**

You are a genebank manager and are planning to organize a collecting mission to collect samples of crop wild relatives of pearl millet, from two countries that are parties to the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA). You know that wild relatives grow in certain protected areas managed by the Ministries of Environment, in public lands managed by municipal governments and in private farms.

1. Based on the ITPGRFA, what access and benefit-sharing rules do you think these countries should apply to your collecting mission?
2. Would it be appropriate for anyone in the country (e.g. the national authorities and/or the owner or manager of the land you collect from), to ask you to acquire the material under a SMTA? Can they request you obtain other permissions in addition to the SMTA?
3. Will the procedures and conditions for access be different depending on where the samples are found (i.e. private vs. public lands; managed by the central government vs. managed by local governments)?

##### **SCENARIO 3: Due diligence in breeder to breeder transfers**

You are a CGIAR maize breeder. In your breeding work you collaborate with several breeders who work in national agricultural research organizations in East African countries. For decades, you have exchanged germplasm with these national breeders as part of formal and informal research collaborations. Often, you have not used any material transfer agreement to obtain maize germplasm from your national breeder colleagues. You have used the maize lines you have obtained from national breeders in your own breeding work, and the resulting improved germplasm is ready for distribution and testing in local environments in East Africa.

1. What would be the appropriate legal instrument for distributing this improved maize germplasm to users in East Africa?

A breeder from Zimbabwe has made some crosses using your improved germplasm and has obtained an improved maize line that she would like to release as a new variety in her country. Before going for the release procedures, the organization she works for has asked her to demonstrate that she has obtained the genetic material used in the crosses in accordance with ABS laws of the provider countries. She gets in touch with your Centre for this purpose.

2. What do you do in this situation? How do you respond to the Zimbabwean breeder request for assurance of compliance with ABS laws?

#### **SCENARIO 4: Farming association wants to place PGRFA in a CGIAR genebank**

A farmer association in Kenya would like to include samples of pigeon pea at ILRI genebank for long-term conservation and sustainable use.

1. Can the farmer association decide on its own to make this deposit directly to ILRI?
2. What kind of agreement should be developed for this transfer?
3. What provisions should be included in the agreement?
4. Who should be able to sign the agreement?
5. What procedures need to be followed to ensure the farmers rights/interests are protected?
6. Would it make any difference if alternatively, the community wanted to place the material in a national genebank? Or share it with another community genebank in the same country? In another country?

#### **SCENARIO 5: Policy support for a regional response to a rapidly spreading disease**

You are the national Nagoya Protocol focal point. One of your national agricultural research organizations has recently become a member of a regional research and development consortium that was formed to respond to a disease – fusarium wilt- that is threatening banana production in your region. As part of the collective effort, the consortium partners have agreed to create a working collection of banana varieties, pooling together those varieties which they think may be a good source of genetic resistance to the disease. They have also agreed to share the different strains of the fungus that have appeared in their respective countries. The partners will need to exchange those genetic resources as part of their collective efforts to screen the different banana varieties to see how they respond to the different fungal strains. The fungus is spreading fast across the region; it may arrive soon in your country. You therefore need to assemble the plant and fungal collections and get the work underway as soon as possible.

1. What laws apply? (Please disregard biosafety aspects)
2. What can you do in the short term to help expedite things so that the consortium's work is not delayed by too much red tape?
3. What can you do in the long term?
4. Would it make any difference if you were the national ITPGRFA focal point?



## Transferring plant genetic resources

### SCENARIO 6: Genebanker's uncertainty

You are the head of the national genebank of an Eastern Africa country which is a party to the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA). Your genebank holds a wide range of both Annex I and non-Annex I accessions that have been collected over the last 20 years.

You are pretty sure that most, probably all, of the Annex I material in the genebank is in the Multilateral System of Access and Benefit Sharing of the ITPGRFA. But something is holding you back from distributing samples of that material using the SMTA.

1. What is holding you back? How can you get to the bottom of the issue, so you feel comfortable making decisions when you get requests?

There are crop improvement programmes for both Annex I and non-Annex I crops in your country, which are supported through partnerships with CGIAR Centres and research organizations in other countries. Your national genebank supports these crop improvement programmes by acquiring, conserving and evaluating a diverse range of germplasm of those same crops. As part of its activities, your genebank also provides germplasm to genebanks and breeders outside the country working on the same crops. You use the SMTA for Annex I materials, but you do not know what legal instrument to use when you are distributing non-Annex I PGRFA to recipients both inside and outside the country. As luck would have it, you are having lunch tomorrow with the national focal points for the ITPGRFA and for the CBD/ Nagoya Protocol. You hope that you can urge them to come to a policy decision with respect to requests for non-Annex I PGRFA in the genebank. You will need to give them a thorough briefing before they can decide.

2. What are their options?
3. What do you advise is the best way forward?
4. Are there circumstances under which you would provide a different opinion?

### SCENARIO 7: Request for landraces for release and commercialization

You manage a collection of plant genetic resources which are included in the Multilateral System of the ITPGRFA. You receive a request from a public research organization which wishes to test some landraces that are in your genebank with the idea that, if the landraces perform well, they will release them as such for commercialization by public and private seed companies.

1. How do you respond to this request? What kind of instrument would you use for transferring the landraces?
2. Would your response be different if the landraces are from a country different from the requestor's country?

### SCENARIO 8: Smallholder farmer as provider

You are a smallholder farmer who intercroops maize, common bean, banana and coffee.

The local extension officer from the sub-district office of the national agricultural research organization comes to your house explaining that she is conducting a collecting mission as part of a large research programme involving local, national and international research and development organizations. They are looking into ways to improve these crops so that they perform better under changing climate conditions, both in your country and abroad. She asks if you have seeds or cuttings that you are willing to share.

A seed breeding company representative stops by and asks you for seeds or cuttings of some of the plants he finds interesting.

The local extension officer comes by with a master's student working for the national genebank. They ask if they can have some seeds and cuttings to deposit in the genebank.

1. What do you do in each case?
2. What rules apply to each case?

### **SCENARIO 9: Biofuels Solutions Inc.**

You are the director of a national genebank with a well-known cassava collection. You receive a request from Biofuels Solutions Inc. asking for a number of cassava accessions for use in their research and development programme.

1. What are your options?
2. What rules apply?
3. How do you ultimately resolve the issue?

You have received samples of maize under the SMTA for use in your organization's breeding programme. You have conserved copies of those materials. You receive a request from Biofuels Solutions Inc. for samples of that conserved material.

4. What rules apply?
5. What do you do?

## **Transferring plant genetic resources under development**

### **SCENARIO 10: Distribution of improved finger millets**

You are a finger millet breeder based in Nairobi. Your organization received finger millet germplasm with an SMTA. You have used this germplasm in your breeding work and you have developed a segregating population which you want to distribute to a range of organizations as part of an international evaluation network. You want the recipients to send you back information about the performance of the materials. You will analyze this information and make it available on a dedicated website maintained by your organization. Beyond sharing the evaluation data with you, you don't care what the recipients do with the materials. They can even incorporate it in their breeding programs.

1. What legal instrument should you use to distribute the materials?
2. What kinds of information do you have to include?

The company Ngorongoro Seed, from Tanzania, identifies a line from the materials it has received from your organization that is well suited to the agroecological niche conditions in Tanzania. Ngorongoro Seed wants to sell seed of that line in Tanzania.

3. Can it do so?

The Department of Agricultural Research Services of Malawi crosses some of the material received from you with locally adapted materials and creates a new finger millet variety. This Department does not have the capacity to bulk up and sell seed on its own. Instead it makes an agreement with the company Mzuzu Seed Co. to do that.

4. What legal instrument should the Department of Agricultural and Research Services use to transfer the material to Mzuzu Seed Co.?
5. Should this instrument include any benefit-sharing provisions?



**SCENARIO 11: Exclusive rights over maize drought tolerant lines**

You are a CIMMYT maize breeder working in East Africa. You have developed various lines with very good characteristics for drought tolerance. Various national and multinational seed companies that operate in East Africa are interested in these lines, but they would like to obtain exclusive rights to commercialize them in the countries where they sell their seed.

1. Can CIMMYT enter into an exclusive agreement with these seed companies? Under which conditions?

Some of the multinational seed companies would like that the improved maize lines be subject to Plant Variety Protection in the countries where they operate, to avoid misappropriation and unfair competition from local public and private seed companies.

2. Can CIMMYT apply for plant variety protection for the improved maize lines? What would be the rationale of such an action?

### ANNEX 4 - Reference Materials

#### **Capacity building workshop on genetic resource policies for CGIAR scientists and partners in East Africa, 4 - 7 June 2019, ILRI Campus, Addis Ababa, Ethiopia.**

- CGIAR System Organization (2018). Guidelines on the Nagoya Protocol for CGIAR Research Centers, Montpellier, France. Retrieved from <https://hdl.handle.net/10568/96240>
- Joint Capacity Building Programme (2018). Decision-making tool for national implementation of the Plant Treaty's multilateral system of access and benefit-sharing. Bioversity International, Rome, Italy. Retrieved from <https://hdl.handle.net/10568/93396>
- Joint Capacity Building Programme (2017). Mutually supportive implementation of the Nagoya Protocol and the Plant Treaty: Scenarios for consideration by national focal points and other interested stakeholders. Retrieved from <https://hdl.handle.net/10568/96525>
- SGRP (2009). Guide for the CGIAR Centres' Use of the Standard Material Transfer Agreement. Bioversity International, Rome, Italy. Retrieved from [http://intranet.icraf.org/treesnmarkets/sd3/docs/SMTA\\_Guide\\_for\\_CG\\_centres.pdf](http://intranet.icraf.org/treesnmarkets/sd3/docs/SMTA_Guide_for_CG_centres.pdf)
- FAO (2015). Opinions and advice of the Ad Hoc Technical Advisory Committee on the Multilateral System and the Standard Material Transfer Agreement. Retrieved from <http://www.fao.org/3/a-i4578e.pdf>
- CGIAR Guiding Principles for the Management of Intellectual Assets adopted in 2012, available at <https://cgspace.cgiar.org/bitstream/handle/10947/4486/CGIAR%20IA%20Principles.pdf?sequence=5>
- 'CGIAR Intellectual Asset Management' a website with links to the annual CGIAR Reports on Intellectual Asset Management and Centers' individual disclosures concerning LEAs, RUAs and IP applications, available at <https://www.cgiar.org/how-we-work/accountability/cgiar-intellectual-asset-management/>

For further information about the workshop,  
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